APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,559	12/11/2003	Ted. F. Slupesky	BEA9-2003-0021-US1	8775

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EXAMINER
LY, CHEYNE D

ART UNIT	PAPER NUMBER
2168	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/733,559	SLUPESKY ET AL.
	Examiner	Art Unit
	CHEYNE D. LY	2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 May 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-14 and 16-20</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-14 and 16-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____ .

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-14 and 16-20 are examined on the merits.

2.   Applicant's arguments, filed May 04, 2009, with respect to claims 1-14 and 16-20 have

been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the

various claims was commonly owned at the time any inventions covered therein were

made absent any evidence to the contrary. Applicant is advised of the obligation under

37 CFR 1.56 to point out the inventor and invention dates of each claim that was not

commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

5.   Claims 1-14 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Krzyzanowski et al. (Krzyzanowski hereafter) in view of Buehler et al. (US

2003/0028895 A1) (Buehler hereafter).

6.   In regard to claim 1, Krzyzanowski discloses a method of managing with a hardware

device, comprising: the hardware device dynamically providing metadata containing a

list of commands it supports to a user interface (page 1, [0011], e.g. a remote control unit

can download the CE device metadata and <u>command</u> codes from a centralized, wireless-

accessible database to a central server (in a client/server environment), and page 2,

[0014]);

However, Krzyzanowski does not describe a list of commands and managing said

managed object with an operator input command, including a GET command request

data from said hardware device, a SET command to modify existing data of said

hardware device, and an INVOKE command to create new data, wherein a single URL

assigned to an attribute of said managed object is used for each of said operator

commands; Interpreting said operator input command; Executing said function to manage

configuration of said object in response to said interpretation of said operator input

command; Displaying a response of said executed function to an operator.

    a.   Buehler describes a list of commands (pages 4-5, [0044] and [0045], e.g. dynamic

        creation of MIBs, and Figure 3A, e.g. MBean Client 14) and managing said

        managed object with an operator input command, including a GET command

        request data from said hardware device, a SET command to modify existing data

        of said hardware device, and an INVOKE command to create new data, wherein a

        single URL assigned to an attribute of said managed object is used for each of

        said operator commands (page 4, [0041]-[0042], e.g. getAttribute, setAttribute or

        invoke, MBeanN supports URL attributes and operations for HTTP, and Figure

        3A MBean Client 14).

b. Interpreting said operator input command (page 4, [0041], e.g. user selects an icon representing the device...resulting in SNMP request to call a getAttribute, setAttribute or invoke for the device and [0043], e.g. perform attribute translation to provide the appropriate information to video network device);

c. Executing said function to manage configuration of said object in response to said interpretation of said operator input command (page 4, [0041], e.g. user selects an icon representing the device...resulting in SNMP request to call a getAttribute, setAttribute or invoke for the device and [0043], e.g. perform attribute translation to provide the appropriate information to video network device); and

d. Displaying a response of said executed function to an operator (page 5, [0044], e.g. an administrator monitoring a number of remote devices...with a MIB browser and [0048], e.g. allow an administrator to select from attributes available).

7. Buehler describes an improvement that provides flexibility in adding and updating disparate video devices on a video network to reduce the complexity of managing the different types of video network devices (page 1, [0009]). Krzyzanowski discloses a method and apparatus for controlling consumer electronic devices (page 1, [0002]). One of ordinary skill in the art at the time of the invention would have been motivated by Buehler to provide flexibility in adding and updating disparate video devices on a video network to reduce the complexity of managing the different types of video network devices such as the consumer electronic devices of Krzyzanowski. Therefore, it would have been obvious to one of ordinary skill in the art to use the method of Krzyzanowski

with the adding and updating disparate video devices on a video network of Buehler to

reduce the complexity of managing the different types of video network devices.

8.   In regard to claim 2, Krzyzanowski in view of Buehler translating a response received

from said managed object into said interpretable format (Buehler, [0043], e.g. perform

attribute translation to provide the appropriate information to video network device).

9. In regard to claim 3, Krzyzanowski in view of Buehler discloses meta data (page 1,

[0011], e.g. a remote control unit can download the CE device metadata and command

codes from a centralized, wireless-accessible database to a central server (in a

client/server environment) description for a function of said object includes a uniform

resource locator to said function (Buehler, page 4, [0041]-[0042], e.g. getAttribute,

setAttribute or invoke, MBeanN supports URL attributes and operations for HTTP, and

Figure 3A MBean Client 14).

10. In regard to claim 4, Krzyzanowski in view of Buehler discloses the metadata describes

one or more internal commands associated with said functions (page 1, [0011], e.g. a

remote control unit can download the CE device metadata and command codes from a

centralized, wireless-accessible database to a central server (in a client/server

environment).

11. In regard to claim 5, Krzyzanowski in view of Buehler discloses dynamically generating

a list of commands from a meta data description includes building a data structure to

inform an operator of a require format for communication with said managed object

(page 6, [0062], e .g. if the user uses the four-digit format to select a channel and also

presses the "Enter" key, the tuner will change back to the last channel, which is erroneous

behavior).

2. In regard to claim 6, Krzyzanowski in view of Buehler discloses communicating with

said managed object in real-time (Buehler, page 3, [0034], e.g. enables realtime access).

12. In regard to claim 7, Krzyzanowski in view of Buehler discloses the step of dynamically

generating a list of commands from a meta data description for a function of said object

includes an interface such as a graphical user interface (Buehler, page 1, [0012], e.g. a

dynamically created MIB for use by a management application so that the management

application manages disparate devices having disparate native protocols by using a

common management interface protocol, and page 4, [0041], e.g. user selects an icon

representing the device…resulting in SNMP request to call a getAttribute, setAttribute or

invoke for the device and [0043], e.g. perform attribute translation to provide the

appropriate information to video network device).

13. In regard to claims 8-14 and 16-20, Krzyzanowski in view of Buehler discloses the above

cite method being implemented in a computer system and article comprising a computer-

readable and recordable data storage medium (Figure 1).

CONCLUSION

14. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37
CFR 1.136(a).

16. A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within
TWO MONTHS of the mailing date of this final action and the advisory action is not
mailed until after the end of the THREE-MONTH shortened statutory period, then the
shortened statutory period will expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the
advisory action. In no event, however, will the statutory period for reply expire later than
SIX MONTHS from the date of this final action.

17. Patent applicants with problems or questions regarding electronic images that can be
viewed in the Patent Application Information Retrieval system (PAIR) can now contact
the USPTO's Patent Electronic Business Center (Patent EBC) for assistance.
Representatives are available to answer your questions daily from 6 am to midnight
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problem with, the number of pages and the specific nature of the problem. The Patent
Electronic Business Center will notify applicants of the resolution of the problem within
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corrected. The USPTO's Patent Electronic Business Center is a complete service center
supporting all patent business on the Internet. The USPTO's PAIR system provides

Internet-based access to patent application status and history information. It also enables

applicants to view the scanned images of their own application file folder(s) as well as

general patent information available to the public.

18. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-

9199. The USPTO's official fax number is 571-272-8300.

19. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to C. Dune Ly, whose telephone number is (571) 272-0716.

The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tim Vo, can be reached on (571) 272-3642.

/Cheyne D Ly/
Primary Examiner, Art Unit 2168